APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,135	03/13/2000	DARRELL WAYNE RANDALL	RCA88682	9528

24498 7590 11/04/2004	EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 July 2004_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-13_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

However, the provisional application upon which priority is claimed fails to provide adequate

support under 35 U.S.C. 112 for claims 1-13 of this application. In particular, the provisional

application does not disclose the limitation of "displaying concurrently a list of program

descriptive fields and an entry for entering a text string . . . and . . . performing an

alphabetical sort of the programs in response to the user selection of the program descriptive

field".

Response to Arguments

2.   Applicant's arguments with respect to claims 1-13 have been considered but are moot in

view of the new ground(s) of rejection.

With respect to applicant's argument's the order of the listings does not change in

response to user selection box, the examiner respectfully disagrees. In particular, the

reference explicitly teaches that after choosing a selection (Figure 38C) such as "By Title"

that the list is automatically sorted (Col 31, Lines 5-8). The 2nd passage cited by the

applicant (Col 31, Lines 10-12) simply states that the system may be configured to operate

without the automatic sort. The examiner concurs that the number of listings will change in

response to choosing a particular selection box. However, in changing the number of listings

the order also changes. For example, turning to Figure 38E, the screen comprises an ordered

list of programs with movies "Made in America" and "Magic Kid" in the 2nd and 5th

positions respectfully. If the user decided to change the criteria in the selection box to

movies, the ordering of items in the list would change such that movies "Made in America"

and "Magic Kid" in the 1st and 2nd positions respectfully assuming the same search criteria

was used. As to the order of these programs suddenly becoming non-alphabetic simply in

response to the new criteria, there is no nothing in the reference so as to imply that program

are not resorted in a similar manner to the illustrated "By Title" option. Furthermore, it

would appear to be counter intuitive to not resort or to present the list alphabetically

subsequent to a filtering process given that the purpose of the list is to facilitate a user in

finding a program of interest.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent

any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to

point out the inventor and invention dates of each claim that was not commonly owned at the

time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claim 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al.

(WO 96/17473) in view of Torres (US Pat No. 5,410,692).

In consideration of claim 1, the Youman et al. reference discloses an "apparatus" [10]

(Page 11, Lines 3-9) wherein "program guide information" is searchable and alphabetically

sorted under the direction of a "control means" [16]. The system is operable to facilitate

these operations via a "user control means" [31/40] (Figures 3-4) which enables a user to

"select a program descriptive field from the list of program descriptive fields" [321] (Figure

38C; Page 48, Lines 5-14) and to subsequently "enter a text string having one or more user-

selectable characters in the entry" [330] (Figure 38F) to search for programming (Page 46,

Lines Page 47, Lines 14-25). Subsequent, to the entry of the "text string" [330] the "control

means" [16] is operable to "perform an alphabetical sort of the programs in response to the

user selection of the program descriptive field" (Page 46, Lines 12-14) and to "locate a first

program with the respective program description in the selected program descriptive field in

response to the entered text string based on the entered text string" as is illustrated in Figure

38F (Page 47, Line 26 – Page 48, Line 4).

The reference does not explicitly illustrate "displaying concurrently a list of program

descriptive fields" [321] (Figure 38C) and an "entry for entering a text string" (Figure 38D).

The reference, however, explicitly teaches that those of skill in the art will recognize that

there are many possible variations to the embodiments illustrated in Figures 38C-38F (Page

48, Lines 5-14). As such, the reference taken as a whole, fails to provide any explicit

showing so as to dissuade one having ordinary skill in the art from contemplating a

modification based upon a functional equivalent design choice so as to provide the same

functionality of what is illustrated in two separate screens within a single screen.

Accordingly, it would have been obvious matter of design choice so as to "concurrently"

display the features of Figure 38C and 38D, since applicant has not disclosed that the

particular "concurrent display" of the "list of program descriptive fields and an entry for

entering a text string" solves any stated problem or is for any particular purpose and it

appears that the invention would perform equally well with either a non-concurrent

descriptive field selection screen associated with the embodiment of Figures 7 and 8 of the

instant application or in a concurrent manner as is illustrated in Figure 9 of the instant

application. Therefore, it would have been an obvious matter of design choice to modify the

Youman et al. graphical presentation format such that "list of program descriptive fields"

[321] of Figure 38C is displayed concurrently with the "entry for entering a text string" of

Figure 38D for the purpose of providing a user friendly means for selecting criteria without

needing to switch between screens.

Furthermore, in a related art associated with graphical interfaces for facilitating database

searches, the Torres reference discloses that it is advantageous to display an entry for

entering a text string, a list of descriptive fields, and the search results within a single screen

(Figure 3). Accordingly, as further evidenced by Torres, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to make the

aforementioned modification to the Youman et al. search interface not merely based upon a

design consideration but for the purpose of advantageously accelerating the generation of

search results through a dynamic dialog that accepts refinement of search arguments during

the course of a search (Torres: Col 7, Lines 33-39; Col 1, Lines 9-22; Col 2, Lines 3-31).

In consideration of claim 6, the Youman et al. reference discloses "method for processing program guide information" such that "program guide information containing a respective program description for programs" is searchable and alphabetically sorted. The method involves a user "selecting a program descriptive field from the list of program descriptive fields" [321] (Figure 38C; Page 48, Lines 5-14) and "entering a text string having one or more user-selectable characters in the entry" [330] (Figure 38F). Subsequent, to the entry of the "text string" [330], the system "performs an alphabetical sort of the programs based on the selected program descriptive field" and "locates a first program with the respective program description in the selected program descriptive field matching the entered text string" as is illustrated in Figure 38F (Page 47, Line 26 – Page 48, Line 4).

The reference, however, does not explicitly illustrate "displaying concurrently a list of program descriptive fields" [321] (Figure 38C), an "entry for entering a text string" (Figure 38D), and the "alphabetically sorted program guide information" [325] (Figure 38D). As aforementioned, the reference, does not teach away from a modification based upon a functional equivalent design choice so as to provide the same functionality of what is illustrated in two separate screens within a single screen. Accordingly, it would have been obvious matter of design choice so as to "concurrently" display the features of Figure 38C and 38D, since applicant has not disclosed that the particular "concurrent display" of the "list of program descriptive fields, the entry for entering a text string, and the alphabetically sorted program guide information" solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either a non-concurrent descriptive field selection screen or in with a concurrent selection screen embodiment as is

illustrated in Figure 9 of the instant application. Therefore, it would have been an obvious

matter of design choice to modify the Youman et al. graphical presentation format such that

"list of program descriptive fields" [321] of Figure 38C is displayed concurrently with the

"entry for entering a text string" and the "alphabetically sorted program guide information"

of Figure 38D for the purpose of providing a user friendly means for selecting criteria

without needing to switch between screens. Furthermore, as previously set forth, the Torres

reference provides evidence that it would have been obvious to one having ordinary skill in

the art at the time the invention was made to make the aforementioned modification to the

Youman et al. search interface not merely based upon a design consideration but for the

purpose of advantageously accelerating the generation of search results through a dynamic

dialog that accepts refinement of search arguments during the course of a search (Torres:

Col 7, Lines 33-39; Col 1, Lines 9-22; Col 2, Lines 3-31).

In consideration of claim 12, the Youman et al. reference discloses an "apparatus" [10]

(Page 11, Lines 3-9) wherein "program guide information" is searchable and alphabetically

sorted under the direction of a "control means" [16]. The system is operable to facilitate

these operations via a "user control means" [31/40] (Figures 3-4) which enables a user to

"select a program descriptive field from the list of program descriptive fields" [321] (Figure

38C; Page 48, Lines 5-14) and to subsequently "enter a text string having one or more user-

selectable characters in the entry" [330] (Figure 38F) to search for programming (Page 46,

Lines Page 47, Lines 14-25). Subsequent to the entry of the "text string" [330], the "control

means" [16] is operable to "perform an alphabetical sort of the programs based on the

selected program descriptive field" such that the guide is "modified . . . based on the selected

program descriptive field" and to "locate a first program with the respective program description in the selected program descriptive field in the selected program description field matching the entered text string based on the entered text string" as is illustrated in Figure 38F (Page 47, Line 26 – Page 48, Line 4). For example, a user selects a descriptive field such as "Title" and guide is "modified" so as to display a list of programs alphabetically sorted by title and the search string.

As previously set forth, the reference does not explicitly illustrate "displaying concurrently a list of program descriptive fields" [321] (Figure 38C) and an "entry for entering a text string" (Figure 38D). However, it would have been obvious matter of design choice so as to "concurrently" display the features of Figure 38C and 38D, since applicant has not disclosed that the particular "concurrent display" of the "list of program descriptive fields and an entry for entering a text string" solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either a non-concurrent descriptive field selection screen or a concurrent descriptive field selection screen. Therefore, it would have been an obvious matter of design choice to modify the Youman et al. graphical presentation format such that "list of program descriptive fields" [321] of Figure 38C is displayed concurrently with the "entry for entering a text string" of Figure 38D for the purpose of providing a user friendly means for selecting criteria without needing to switch between screens. Furthermore, as previously set forth, the Torres reference provides evidence that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the aforementioned modification to the Youman et al. search interface not merely based upon a design consideration but for the purpose of

advantageously accelerating the generation of search results through a dynamic dialog that accepts refinement of search arguments during the course of a search (Torres: Col 7, Lines 33-39; Col 1, Lines 9-22; Col 2, Lines 3-31).

Claims 2, 7, and 13 are rejected wherein the list of programs as illustrated in Figure 38F displays the list of programs as being "alphabetically sorted" with the "first program" most closest to the entered character or characters highlighted (Page 47, Lines 26-30).

Claims 3 and 8 are rejected wherein the "program descriptive field may relate to title" [321]. As illustrated in Figure 38C, other "program descriptive fields" such as the "context of the programs" or theme may be utilized (Page 48, Lines 5-14).

As to the recited limitations in claims 4 and 9 wherein the sorting method moves "sentence articles" such that they are not used as the primary basis of searching, it is well known in the art to "move" or ignore indefinite and definite articles when sorting a list of descriptors such as titles, as was previsously evidenced by applicant's admission of fact. The Youman et al. reference further suggests that it may be desirable to exclude uninformative listings (Page 46, Lines 26-33). Accordingly, it would have been obvious to one of ordinary skill in the art to modify the aforementioned Youman et al. searching method/technique so as to "move any sentence articles of the respective program description to the end of the respective program description", as is known in the art, for the purposes of presenting the user with useful/meaningful search results regardless of variations of the use of the article.

In consideration of claims 5 and 10, the aforementioned reference does not explicitly disclose the scenario wherein "if the locating step cannot locate the first program . . . the next program on the alphabetical sorted list . . . is selected instead". As shown in Figure 38E, the

reference illustrates that the search is operable to further display terms that "immediately follow the position where the first program" is located when sorted alphabetically. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the invention to "select" the "next program on the alphabetical sorted list immediately following the position where the first program would have been located" in the event that the exact search string cannot be found for the purpose of providing the user with a search result set is closely related to the user defined "text string" which advantageously assists the user in locating programs should the aforementioned "text string" contain spelling errors.

Claim 11 is rejected wherein a viewer may further utilize the embodiment so as to "select another program descriptive field" in order to conduct the search operations against a "descriptive field" other than title as referenced in the rejection of claims 3 and 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Schein et al. (US Pat No. 6,133,909) reference discloses that it is known in the art of EPGs to provide descriptive fields wherein a user utilizes a text entry field as in order to search for a particular string within the descriptive field.

- The Otsuki et al. (US Pat No. 5,929,932) reference discloses an EPG that facilitates category based searching through a text entry field.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB
October 22, 2004

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